

1 William J. Goines (SBN 061290)
Alisha M. Louie (SBN 240863)
2 GREENBERG TRAURIG, LLP
1900 University Avenue, Fifth Floor
3 East Palo Alto, CA 94303
Telephone: (650) 328-8500
4 Facsimile: (650) 328-8508
Email: goinesw@gtlaw.com
5 louiea@gtlaw.com

6 Jeremy A. Meier (SBN 139849)
GREENBERG TRAURIG, LLP
7 1201 K Street, Suite 1100
Sacramento, CA 95814-3938
8 Telephone: (916) 442-1111
Facsimile: (916) 448-1709
9 Email: meierj@gtlaw.com

10 Brian S. Cousin (Pro Hac Vice)
Neil A. Capobianco (Pro Hac Vice)
11 GREENBERG TRAURIG, LLP
MetLife Building, 200 Park Avenue
12 New York, NY 10166
Telephone: (212) 801-9200
13 Facsimile: (212) 801-6400
Email: cousinb@gtlaw.com
14 capobiancon@gtlaw.com

15 Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Polo Ralph Lauren
16 Corporation, doing business in California as Polo Retail
Corporation; and Fashions Outlet of America, Inc.
17

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 ANN OTSUKA, an individual; JANIS KEEFE,
an individual; CORINNE PHIPPS, and
21 individual; and JUSTIN KISER, an individual;
and on behalf of all others similarly situated,
22

Plaintiff,

23 v.

24 POLO RALPH LAUREN CORPORATION, a
Delaware Corporation; et al.,
25

Defendants.

26 **AND RELATED CROSS-ACTIONS.**
27
28

Case No. C07-02780 SI

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

Date: January 18, 2008

Time: 9:00 a.m.

Dept: Courtroom 10, 19th Fl.

Judge: Hon. Susan Illston

1 TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on January 18, 2008, at the hour of 9:00 a.m., or as
 3 soon thereafter as this matter may be heard in Department 10, 19th Floor of the United States
 4 District Court, Northern District of California, located at 450 Golden Gate Avenue, San
 5 Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo
 6 Ralph Lauren Corporation, doing business in California as Polo Retail Corporation; and
 7 Fashions Outlet of America, Inc., will move this court for an Order Dismissing Plaintiffs'
 8 Second Amended Complaint as to the claims asserted by Plaintiff Renee Davis ("Davis") in
 9 Plaintiffs' Second Amended Complaint for fraud, violation of the California Labor Code and
 10 California Private Attorneys Act must be dismissed because they fail to state a claim upon
 11 which relief can be granted.

12 This motion is made on the grounds that Davis' claims for fraud, violation of the
 13 California Labor Code and California Private Attorneys Act must be dismissed because they
 14 are barred by applicable statute of limitations and do not relate back to the Original Complaint
 15 under Rule 15(c) of the Federal Rules of Civil Procedure. A copy of the Original Complaint is
 16 attached hereto as Exhibit A and incorporated as though fully set forth.

17 This motion will be based on this motion, the accompanying Memorandum of Points
 18 and Authorities, and on such other and further argument and evidence which may be presented
 19 at the hearing on this motion.

20
 21 Dated: November 13, 2007.

GREENBERG TRAURIG, LLP

22
 23 By: /s/ William J. Goines

24 William J. Goines
 25 Jeremy A. Meier
 Alisha M. Louie

26 Attorney for Defendants Polo Ralph Lauren
 27 Corporation; Polo Retail, LLC; Polo Ralph
 28 Lauren Corporation, doing business in
 California as Polo Retail Corporation; and
 Fashions Outlet of America, Inc